IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1893 OF 2006

Sugandha Pusalkar & Ors. ..Petitioners.

Vs.

Shantaram Pusalkar & Ors. ..Respondents.

...

Mr. S.S. Redekar for the Petitioners.
Mr. P.G. Karande for Respondent Nos.1 to4.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

12th April, 2006.

P.C.:

There is a concurrent finding of fact which has been recorded by both the Courts below. The evidence of the First Petitioner shows that in the year 1968 her husband Raghunath Krishna Pusalkar acquired separate premises near the suit premises where they were residing separately. In the course of her cross examination, she admitted that from 1968 she and her husband started residing in other premises. Hence, on the date of the death of the original tenant, the Appellants were not residing with the tenant in the suit premises. They were therefore not entitled to claim any relief under Section 5(11) C of the Rent Act. No case for interference under Article 227 is made out. The petition is dismissed.